

Exhibit E

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA,

Plaintiff,

vs.

TYSON FOODS, INC., *et al.*

Defendants.

Case No. 05-CV-0329-GKF-PJC

AFFIDAVIT

State of Arkansas)
) ss:
County of Pulaski)

Before the undersigned, a Notary Public, duly qualified and acting in and for the said County and State, there appeared to me Gregory W. Flesher, satisfactorily proven to be the affiant herein, who states the following under oath:

1. My name is Gregory W. Flesher. I am a licensed Certified Public Accountant in the State of Arkansas, and I am employed with the accounting firm of Frost, PLLC (formerly Moore Stephens Frost) in Little Rock, Arkansas. My firm does accounting work and attest functions for George's, Inc. and George's Farms, Inc.

2. In November, 2008 my firm and I were asked to provide certain financial statements regarding George's, Inc. and George's Farms, Inc. Specifically, we were asked to prepare five years' worth of balance sheets/net worth information for each of the two entities to produce to the State of Oklahoma in the above-titled litigation.

3. On December 1, 2008 my firm and I completed the preparation of the balance sheets for this case. Included on page 1 of each of the balance sheets was the Accountants' Compilation Report, which stated in pertinent part as follows:

"Management has elected to omit substantially all of the disclosures required by generally accepted accounting principles. If the omitted disclosures were included in the balance sheet, they might influence the user's conclusions about the Company's financial position."

4. In December, 2008 my firm and I were asked to provide certain additional financial statements regarding George's, Inc. and George's Farms, Inc. Specifically, we were asked to prepare five years' worth of income/expense information for each of the two entities to produce to the State of Oklahoma in the above-titled litigation.

5. On December 31, 2008 my firm and I completed the preparation of the income statements for this case. Included on page 1 of each of the income statements was the Accountants' Compilation Report, which stated in pertinent part as follows:

"Management has elected to omit substantially all of the disclosures required by generally accepted accounting principles. If the omitted disclosures were included with the statement of income, they might influence the user's conclusions about the Company's financial position."

6. The quoted language in the notes from the balance sheets prepared on December 1, 2008 and the income statements prepared on December 31, 2008 is mandated accountant language that must be used when notes to financial statements are not included with the financial statements being prepared. To omit that information is defined as a GAAP departure in our arcane accountants' language.

7. The omitted notes to the financial statements merely include a description of the company's accounting policies, as well as more detailed information about the larger line items reported in the Balance Sheet or Income Statement. An example would be the Inventories line item in the Balance Sheet. The note for that line item, if it was included, would show the individual feed, breeders, eggs, broilers and finished product that make up the total Inventories shown on the balance sheet. Another example would be the Long-Term Debt line item shown on the Balance Sheet. The note for that line item, if it was included, would list all of the individual notes payable the company has that make up total Long-Term Debt shown on the balance sheet. These companies do not have stock warrants or other similar items, such that if the notes to the financial statements were included, there would not be any notes about the companies' net worth or stockholders' equity because there is nothing further to report.

8. The Balance Sheets and Statements of Income that George's Inc. and George's Farms, Inc. have already produced to the State provide a full picture of the companies' financial condition. The net worth of the companies is fully reported in the stockholders' equity section of the Balance Sheets provided. The level of a company's income that the State asserts is a driving element to do a full analysis of the financial situation of the companies is completely provided in the Statements of Income that were completed December 31, 2008. The notes to the financial statements would merely provide a list of smaller items that make up the larger line item amounts included in the Balance Sheets and Statement of Income. The notes to the financial statements do not provide any additional financial amounts, but only duplicate in smaller increments the amounts already contained in the Balance Sheets and Statements of Income produced to the State.

FURTHER AFFIANT SAYETH NOT.

Gregory W. Fleisher
Gregory W. Fleisher
Frost, PLLC
425 W. Capitol, Ste. 3300
Little Rock, Arkansas 72201

Subscribed and sworn to before me this 20th day of February, 2009.

Monica Fields
NOTARY PUBLIC

My Commission Expires:

10-18-2014

